

HOUSE BILL 1911
By Overbey

AN ACT to amend Tennessee Code Annotated, Title 49, relative to self-administration of asthma medications by students.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-5-415, is amended by adding the following as a new, appropriately designated subsection:

(c)

(1) In addition to the assistance with self-administration of medications provided for in subsection (a), local education agencies and governing boards of non-public schools shall permit the self-administration of asthma medications by a student if the student's parent or guardian:

(A) Provides written authorization for self-administration to the school;

and

(B) Provides a written statement from the student's health care practitioner that the student has asthma and has been instructed in self-administration of asthma medications. The statement shall also contain the following information:

(i) The name and purpose of the medications;

(ii) The prescribed dosage;

(iii) The time or times the medications are to be regularly administered and under what additional special circumstances the medications are to be administered; and

(iv) The length of time for which the medications are prescribed.

(2) The statements required in subdivision (1) shall be kept on file in the office of the school nurse or school administrator.

(3) The local education agency or the governing board of a non-public school shall inform the parent or guardian of the student that the school and its employees and agents shall incur no liability as a result of any injury sustained by the student from the self-administration of asthma medications. The parent or guardian of the student shall sign a statement acknowledging that the school shall incur no liability and the parent or guardian shall indemnify and hold harmless the school and its employees against any claims relating to the self-administration of asthma medications. Nothing in this subsection shall be construed to relieve liability of the school or its employees for negligence.

(4) The permission for self-administration of medications shall be effective for the school year in which it is granted and shall be renewed each following school year upon fulfilling the requirements of subdivisions (1) and (3).

(5) Upon fulfilling the requirements of subdivision (1), a student with asthma may possess and use asthma medications when at school, at a school-sponsored activity, under the supervision of school personnel, or before or after normal school activities while on school properties including school-sponsored child care or after-school programs.

SECTION 2. This act shall take effect July 1, 2003, the public welfare requiring it.